

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

MARION M. CHAPMAN,)	
)	
Petitioner,)	
)	No. 2:23-cv-31-CDP
v.)	
)	
DAN REDINGTON,)	
)	
Respondent.)	

MEMORANDUM AND ORDER OF TRANSFER

Petitioner Marion M. Chapman, who is presently incarcerated at the Northeast Correctional Center (“NECC”), has filed a pleading titled “Application for Habeas Corpus Rule 91, RSMO 532,” and a motion for leave to proceed in forma pauperis. In the pleading, Petitioner states he “challenges his 2010 convictions and sentence . . . which were entered in the Circuit Court of Jackson County, Missouri” in the matter *State v. Chapman*, No. 0816-CR04775-01 (2010). (ECF No. 1 at 2-3). He asks this Court to “grant Habeas Corpus, Vacate, Remand, or Evident[i]ary Hearing.” *Id.* at 1. The Court interprets the pleading as a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus.

The judgment Petitioner challenges was entered in the Circuit Court of Jackson County, Missouri, which is located in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(1). Petitioner’s institution, the NECC, is located in the Eastern District of Missouri. *See* 28 U.S.C. § 105(a)(2). Under 28 U.S.C. § 2241(d), this Court and the United States District Court for the Western District of Missouri have concurrent jurisdiction to hear this case. In this circumstance, this Court may, in the exercise of its discretion and in the furtherance of justice, transfer the case to the other district for hearing and determination. *Id.* Additionally, 28 U.S.C. § 1404(a) provides

that a district court, for the convenience of the parties and witnesses and in the interest of justice, may transfer any civil action to any other district or division where it might have been brought.

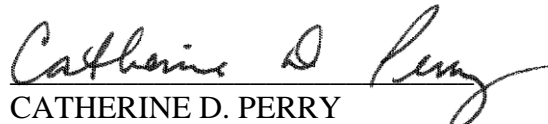
Transfer of this action is appropriate because Petitioner challenges a judgment entered in a circuit court located within the Western District of Missouri, the relevant records are located there, and if hearings are required, the Western District of Missouri would be more convenient for witnesses. Additionally, this Court has entered an administrative order stating that, absent any unusual circumstances, any habeas petition challenging a conviction or sentence arising from a proceeding in the Western District of Missouri should be transferred there. *In re Business of the Court*, January 27, 1986. The Court will therefore order this case transferred to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion for leave to proceed in forma pauperis (ECF No. 2) is **PROVISIONALLY GRANTED**, subject to modification by the United States District Court for the Western District of Missouri.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 2241(d).

Dated this 5th day of June, 2023.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE